

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DELVILLE BENNET,

Petitioner,

-against-

BRIAN S. FISCHER, et al.,

Respondents.
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JUDGMENT
02-CV- 5232 (JBW)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT ED. N.Y.
★ APR 27 2006 ★

P.M. _____
TIME A.M. _____

A Memorandum and Order of Honorable Jack B. Weinstein, United States District Judge, having been filed on April 25, 2005, denying the petition for a writ of habeas corpus; and granting a Certificate of Appealability on the issue of whether petitioner was denied effective assistance of trial counsel because of counsel's failure to present alibi witnesses at trial; it is

ORDERED and ADJUDGED that petitioner take nothing of the respondents; that the petition for a writ of habeas corpus is denied; and that a Certificate of Appealability is granted on the issue of whether petitioner was denied effective assistance of trial counsel because of counsel's failure to present alibi witnesses at trial.

Dated: Brooklyn, New York
April 25, 2006

ROBERT C. HEINEMANN
Clerk of Court

By

Chief Deputy.